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EXAMINER

RUSSELL, JEFFREY E

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

09/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The Sequence Listing filed August 5, 2008 is approved. Accordingly, the requirement set forth in section 1 of the Office action mailed February 5, 2008 is satisfied, and the rejection of claim 2 under 35 U.S.C. 112, second paragraph, set forth at section 2, page 3 of the Office action, lines 13-15, is overcome.
2. The amendment filed August 5, 2008 overcomes the rejection under 35 U.S.C. 112, second paragraph, set forth at section 2 of the Office action mailed February 5, 2008, starting at line 3 and continuing through page 3, line 6, of the Office action. The amendment also overcomes the objection set forth in section 3 of the Office action.
3. All claims remain rejected under 35 U.S.C. 112, second paragraph, with respect to the interpretation of the proviso clause and the interpretation of "Tfm" and "Dfm" as used in claim 2. See page 3, lines 7-13 of the Office action mailed February 5, 2008.

Applicants contend that " α -fluoroalkylated" is defined at pages 4-5 of the specification, and that "the α -fluoroalkyl is attached to the Ca of the amino acid". However, the examiner has been unable to find the phrase " α -fluoroalkylated" anywhere on pages 4-5 of the specification. A definition of the phrase (as opposed to a general discussion of the art, or examples of the claim terminology) is not present in the cited section of the specification. Contrary to the argument that " α -fluoroalkylated" refers to attachment to the Ca of the amino acid, the specification at page 5, second full paragraph, lines 2-3, refers to fluoroalkylation in the C- α and/or N- position. Applicants contend, with respect to claim 2, that Dfm and Tfm act as protecting groups to block the nitrogen of the amino acid. This contention contradicts the immediately preceding statement that " α -fluoroalkylated" refers to attachment to the Ca of the amino acid. If " α -fluoroalkylated" refers to attachment to the Ca of the amino acid, and if the Dfm and Tfm groups of claim 2 are

attached to the nitrogen of the amino acid, then the compounds of claim 2 do not contain any α -fluoroalkylated amino acids which would satisfy the proviso of claim 1, upon which claim 2 depends.

4. With respect to the phrase "or the group $\text{NX}_4\text{-R}_4\text{-CO-NX}_5\text{-R}_5\text{-CO}$ is 3-aminomethyl-benzoyl" at claim 1, line 14, Applicants may wish to consider shifting this phrase so that it occurs after claim 1, page 4 of the amendment, line 1. Because this phrase presents an alternative definition of the groups X_4 , R_4 , X_5 , and R_5 , it would be better to insert this phrase after the principal definitions of all of these variables.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
September 9, 2008